



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTOX
ATTORNEY GENERAL

November 20, 1990

Mr. David M. Feldman
Attorney for Clear Creek I.S.D.
3300 First City Tower
1001 Fannin
Houston, Texas 77002-6760

OR90-547

Dear Mr. Feldman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9500.

On behalf of the Clear Creek Independent School District, you ask whether "copies of all material submitted to the school district by the Texas Education Agency involving the TEA monitoring teams visit to the school district during the week of April 16" and "TEA comments/accreditation results" are excepted from required public disclosure. You indicate that you have already provided statistical data contained in the report. However, you assert that the first page of the report, specifically a section entitled "Concerns," constitutes recommendations to the district from TEA. You assert that that section is excepted by section 3(a)(11) of the Open Records Act.

Section 3(a)(11) of the Open Records Act protects from required public disclosure:

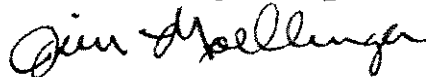
inter-agency or intra-agency memorandums or letters which would not be available by law to a party in litigation with the agency.

Section 3(a)(11) protects advice, opinion, and recommendations used in the decisional process. Open Records Act No. 538 (1990). Facts and written observation of facts and events, when such information is severable from advice, opinion, or recommendation cannot be withheld under section 3(a)(11). See generally Open Records Decision No. 213 (1978).

We have considered the exception you claimed, specifically 3(a)(11), and have reviewed the documents at issue. A previous determination of this office, Open Records Decision No. 538, a copy of which is enclosed, resolves your request. For this reason, you may withhold the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-547.

Yours very truly,



Jim Moellinger
Assistant Attorney General
Opinion Committee

JM/le

Ref.: ID# 9500, 9866

Enclosure: Open Records Decision No. 538 (1990)

cc: Bonnie Pritchett
Citizen Exchange News
17511 El Camino Real
P.O. Box 57907, Suite 131
Houston, Texas 77058